

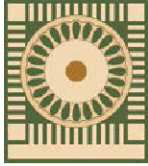
CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

APRIL 11, 2013

Table of Contents

Agenda	2
Conditional Use Permit Application PL-2010-0353 - Goodfellas Cash for Gold, Harb Jaser (Applicant)/ K&S Company, Inc. (Owner) - Request to Operate a Cash for Precious Metals Store	
PC Staff Report	4
Attachment I - Area and Zoning Map	9
Attachment II - Cash for Gold Businesses in the Vicinity	10
Attachment III - Applicant's Secondhand Dealer's License from Department of Justice.	11
Attachment IV - Findings for Approval.	12
Attachment V - Conditions of Approval	14
Attachment VI - Plans	17
Approval of minutes	
February 28, 2013.	19



CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, APRIL 11, 2013 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Conditional Use Permit Application PL-2010-0353 - Goodfellas Cash for Gold, Harb Jaser (Applicant)/ K&S Company, Inc. (Owner) - Request to Operate a Cash for Precious Metals Store. The Property is Located at 402 West Harder Road, in the Neighborhood Commercial (CN) Zoning District.

[PC Staff Report](#)

[Attachment I - Area and Zoning Map](#)

[Attachment II - Cash for Gold Businesses in the Vicinity](#)



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

[Attachment III - Applicant's Secondhand Dealer's License from Department of Justice](#)
[Attachment IV - Findings for Approval](#)
[Attachment V - Conditions of Approval](#)
[Attachment VI - Plans](#)

COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters
3. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

4. [February 28, 2013](#)

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

DATE: April 11, 2013

TO: Planning Commission

FROM: Carl T. Emura, ASLA, Associate Planner

SUBJECT: **Conditional Use Permit Application PL-2012-0353 – Goodfellas Cash For Gold, Harb Jaser (Applicant) / K & S Company Inc. (Owner) – Request to Operate a Cash for Precious Metals Store.**

The Property is Located at 402 West Harder Road, in the Neighborhood Commercial (CN) Zoning District

RECOMMENDATION

That the Planning Commission finds that 1) the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301: Existing Facilities, and 2) approves the conditional use permit, subject to the attached findings and conditions of approval.

BACKGROUND

“Goodfellas Cash For Gold,” located in a 1,260-square-foot tenant space in the Schafer Park Shopping Center. The shopping center contains two buildings, the larger containing Grocery Outlet. Goodfellas is located in the smaller of the two buildings located at the corner of Bishop Avenue and West Harder Road. Multi-family dwellings are located to the north of the shopping center, single-family dwellings to the south, the Gateway Plaza Shopping Center (containing Lucky) to the northwest, and a gas station to the east.

A Secondhand Dealer License, issued by the California Department of Justice (DOJ), is required to operate a “cash for gold” business. California Business and Professions Code Section 21641 defines a *secondhand dealer* as any person whose business includes buying, selling, taking in trade, taking in pawn, taking on consignment, accepting for auction, or auctioning secondhand personal property. The applicant obtained the required “Second Hand Dealer License” on August 1, 2011, after the Police Department brought it to his attention that such license was required (Attachment III); the applicant had operated for the previous two years under a business license for a jewelry store only. The applicant applied for the subject Conditional Use Permit application after the Police Department contacted all “cash for gold” businesses operating without a Permit during the spring/summer of 2012. Goodfellas has operated the cash for gold business at this location without any incidents or complaints.

According to Hayward Police Department records, there are three establishments in the City of Hayward that possess a Secondhand Dealer's license for a cash for gold business approximately one-mile from the proposed establishment (see map, Attachment II); the closest one to Goodfellas being approximately 0.85 mile away.

DISCUSSION AND STAFF ANALYSIS

Project Description – Goodfellas Cash For Gold offers cash for precious metals in forms such as jewelry, dental work, and coins. It would be one of four stores in the region operated by the same entity: Milpitas, San Jose, Livermore and Hayward. Customers can visit the website (www.goodfellascashforgold.com) and mail their items for an estimate or visit the store. One to two employees work each shift. The hours of operation would mirror those permitted by the Hayward Municipal Code for Secondhand Dealers (Chapter 6, Article 3), which are 9:00 a.m. to 6:00 p.m. Sunday through Thursday, and 9:00 a.m. to 10:00 p.m. on Friday and Saturday. The tenant space has a lobby/waiting area which is separated from the rest of the building with a bullet resistant wall, door, and window. A video camera records all activity 24-hours a day.

For every transaction, the store owner is required to complete a "Second Hand Dealer Form," which includes the customer's personal information (name, address, phone number, etc.), information about the store, a description of the item, transaction information, attesting as to the disposal of the item, and a thumbprint from the customer. Three copies of this form are forwarded to the Hayward Police Department. In addition, the Hayward Police Department requests a copy of a photo identification of the customer and a photograph of the item being sold, and requires that the item be held in the store for 30 days before being sent out for processing. A condition of approval would require that the "Second Hand Dealer Form" be submitted to the Police Department weekly (Attachment VI, Condition 12). The Police Department would forward a copy to the Department of Justice and to the Police Department of the City in which the customer resides if other than Hayward. These measures are intended to help prevent trafficking in stolen goods, by requiring the reporting of transactions involving identifiable secondhand personal property. Similar to conditions required for conditional use permits for other similar businesses, the applicant would also be required to submit a security plan for approval by the Police Department, which would direct the business' responsibilities during emergency incidents, access to video recordings and the provision of alarm systems.

Conditional Use Permit – Responding to an increase of inquiries and requests for cash for gold businesses in the past year, the Planning Director determined that a cash for gold business, though not specifically listed in the Zoning Ordinance, is similar to pawn shops, check cashing stores, and payday loan facilities, all of which require approval of a conditional use permit in the commercial districts where permitted.

In order for the Conditional Use Permit to be approved, the following findings must be made. The support for these findings is included below and in Attachment IV.

A. The proposed use is desirable for the public convenience or welfare.

The cash for gold facility would be desirable for the public convenience in that it would provide convenient hours and an additional location for Hayward residents to safely receive cash at competitive compensation for their precious metals. Only three other similar establishments exist within the City, the closest one being approximately 0.85 mile away.

B. *The proposed use will not impair the character and integrity of the zoning district and surrounding areas.*

The cash for gold facility would not impair the character and integrity of the zoning district in that the applicant would be operating a store in a commercial center with many other businesses, in compliance with the requirements of the California Department of Justice and the Hayward Police Department. The applicant passed all background checks and obtained a Secondhand Dealers License from the California Department of Justice through the Hayward Police Department. There is sufficient customer parking for all businesses within the shopping center.

C. *The proposed use will not be detrimental to the public health, safety, or general welfare.*

The proposed use will not be detrimental to the public health, safety, or general welfare in that a security plan is required to be implemented as approved by the Hayward Police Department, the applicant has passed the Police Department background check, and has obtained the required Secondhand Dealer's License. The business owner is required to meet all the requirements of the City's Municipal Code Section 6-3.22 through Section 6-3.26 that require secondhand dealers to keep a record of all transactions that shall be open to inspections by the Hayward Police Department, that the merchandise shall be held for at least 30 days, and that the hours of operation not exceed 9:00 a.m. to 6:00 p.m. Sunday through Thursday, and from 9:00 a.m. to 10:00 p.m. Friday and Saturday. In addition, the business owner is required to meet the conditions of approval and the requirements of the California Department of Justice Secondhand Dealers license.

D. *The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.*

The Neighborhood Commercial (CN) District (Sec. 10-1.800) is intended to provide for products and services primarily represented by convenience goods and services purchased frequently. The proposed use would be in harmony with the CN District and other applicable City policies in that the cash for gold facility would comply with the requirements of Hayward Municipal Code Chapter 6, Article 3, Pawnbrokers, Secondhand Dealers and Auctioneers. The conditions of approval reflect this policy and would require the applicant to maintain records of all transactions, merchandise would be held for 30 days, and merchandise would be available for inspection upon request by the Hayward Police Department.

Environmental Review - The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities.

PUBLIC OUTREACH

On November 8, 2012, a Referral Notice was mailed soon after the use permit application was received to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records, and to the South Hayward Parish Association, South Hayward Neighborhood Group, Harder-Tennyson Neighborhood Task Force, and the Jackson Triangle Neighborhood Task Force. Staff received an anonymous response opposing the cash for gold business. The individual expressed concern about people loitering around the premises and increased burglaries in the neighborhood since the applicant opened his business. The Police Department reports that there has been no indication of increased criminal activity due to the presence of this business. The conditions of approval require the business owner to submit a security plan for approval by the Police Department, which would include provisions regarding the prevention of loitering. On April 1, 2013, a Notice of Public Hearing for the Planning Commission meeting was mailed. No responses to such notices have been received by the time this report was prepared.

SCHEDULE

The Planning Commission decision begins a 10-day appeal period, which would expire at 5:00 p.m. on April 22, 2013. If approved and there is no appeal filed within that time period, the applicant may proceed with obtaining Hayward Police Department approval of a security plan for continued operation. If denied or approved, the decision could be appealed and the application would be scheduled for a public hearing before the City Council.

Prepared by: Carl T. Emura, ASLA

Recommended by:



Richard Patenaude, AICP
Planning Manager

Approved by:



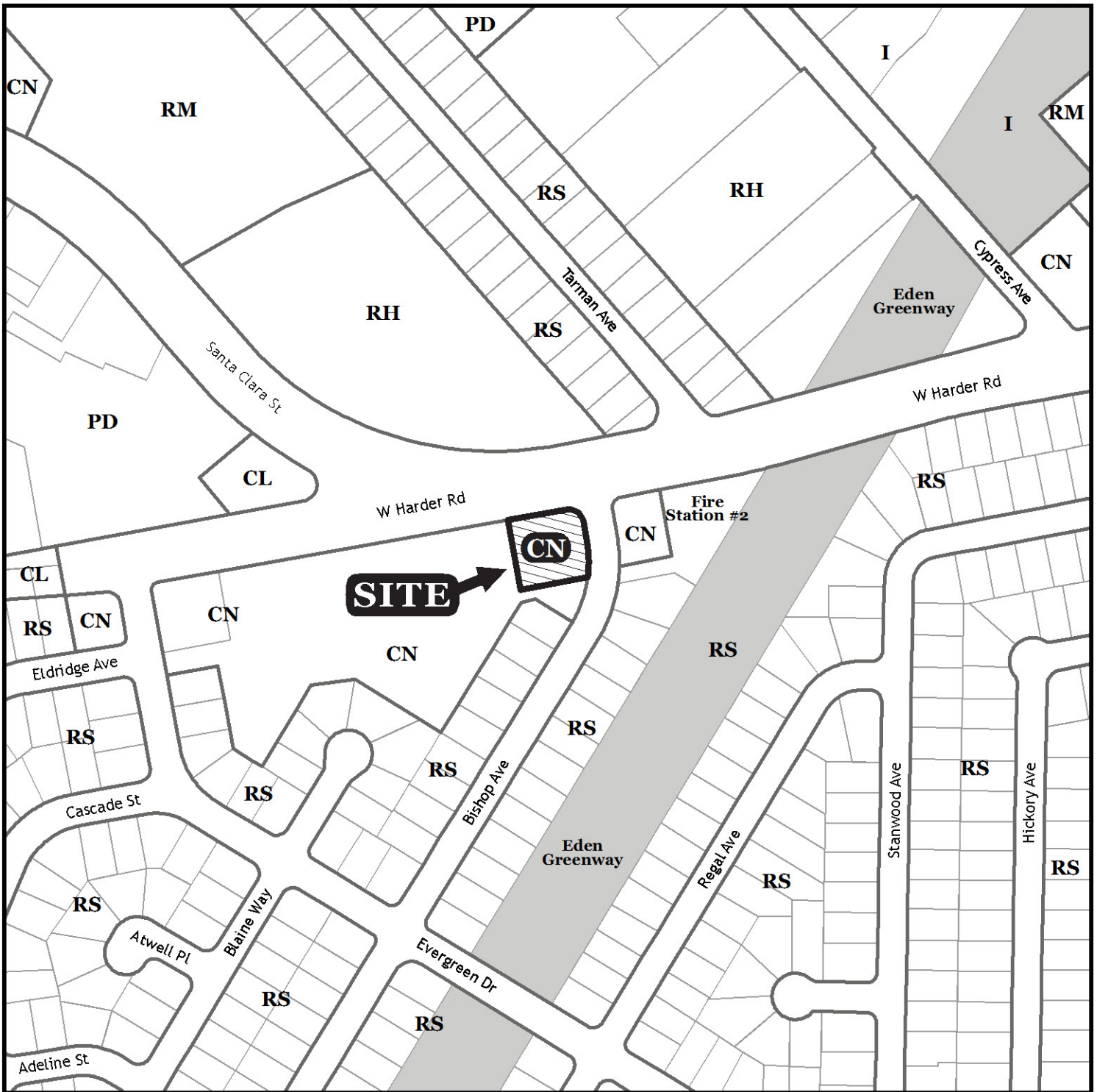
David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area Map
Attachment II	Cash-for-Gold Businesses Map
Attachment III	Applicant's Secondhand Dealer's License from Department of Justice
Attachment IV	Findings for Approval
Attachment V	Conditions of Approval
Attachment VI	Plans



Area & Zoning Map



PL-2012-0117 AUP

Address:
xxx

Applicant:
xxx

Owner:
xxx

Zoning Classifications

RESIDENTIAL

- RH High Density Residential, min lot size 1250 sqft
- RM Medium Density Residential, min lot size 2500 sqft
- RS Single Family Residential, min lot size 5000 sqft

COMMERCIAL

- CL Limited Access Commercial
- CN Neighborhood Commercial

INDUSTRIAL

- I Industrial

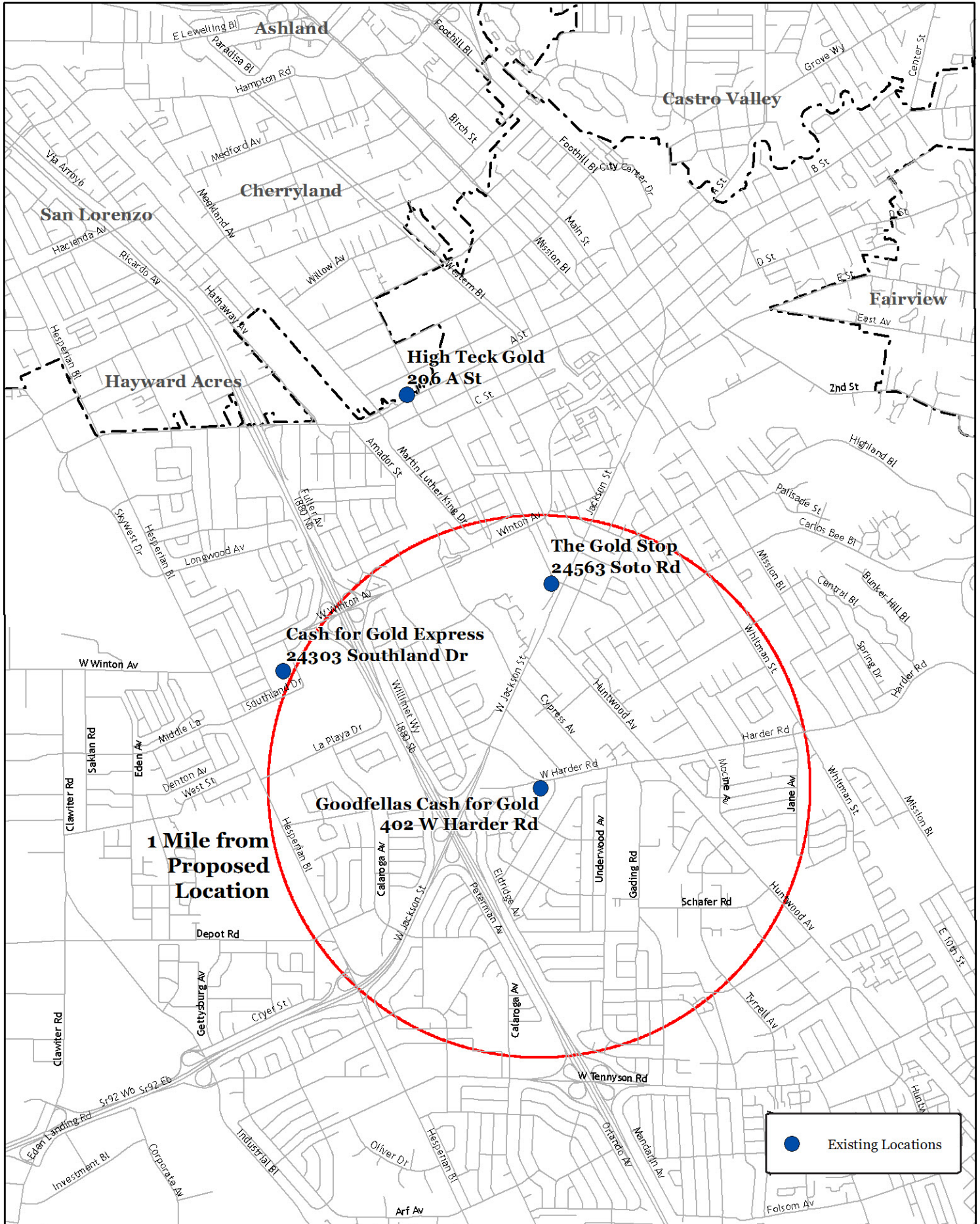
OTHER

- PD Planned Development

0 100 200 300 Feet



Hayward Licensed Gold-Buying Stores



State Of California
Office of the Attorney General
Department of Justice

SECONDHAND DEALER LICENSE

In accordance with the provisions of Sections 21641 and 21642 of the
Business and Professions Code, license number 01061023 is granted to:

GOODFELLAS CASH 4 GOLD

to conduct a Secondhand Dealer business at

402 W. HARDER ROAD
HAYWARD, CA

Off Site Storage Location (If Any)
NONE

Business Owner: JASER

Business Owner:

Initial Issue Date: 8/1/2011

Expiration Date: 7/31/2013

Check if Renewal:

HAYWARD POLICE DEPARTMENT
LICENSING AGENCY


SIGNATURE OF ISSUING OFFICER

R. CANTRELL
NAME OF ISSUING OFFICER

DETECTIVE
TITLE OF ISSUING OFFICER

Failure to renew this license prior to the expiration date specified above will result in the license being revoked. A new license will be required including an initial application and all associated fees.

This license is not transferable, and must be visibly displayed on the business premise.

This license does not affect the power of a city, county, or city and county to charge a fee or tax upon the conduct of business specified above.

This license enables the business shown above to engage in the business of a secondhand dealer at the address shown above in accordance with the provisions of Article 4 of the Business and Professions Code.

JUS 1264

Original copy to Licensee, One copy to Licensing Authority and One copy to the DOJ.

**CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT
April 11, 2013**

Conditional Use Permit Application PL-2012-0353 – GoodFellas Cash For Gold, Harb Jaser (Applicant) / K & S Company, Inc.(Owner) – Request to Operate a Cash for Gold Store.

The Property is Located at 402 West Harder Road, in the Neighborhood Commercial (CN) Zoning District

FINDINGS FOR APPROVAL

- A.** The approval of Conditional Use Permit No. 2012-0353, as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA under section 15301 (Existing Facilities)

- B.** *The proposed use is desirable for the public convenience or welfare.*

The cash for gold facility would be desirable for the public convenience in that it would provide convenient hours and an additional location for Hayward residents to safely receive cash at competitive compensation for their precious metals. Only three other similar establishments exist within the City, the closest one being approximately 0.85 mile away.

- C.** *The proposed use will not impair the character and integrity of the zoning district and surrounding areas.*

The cash for gold facility would not impair the character and integrity of the zoning district in that the applicant would be operating a store in a commercial center with many other businesses, in compliance with the requirements of the Department of Justice and the Hayward Police Department. The applicant passed all background checks and obtained a Secondhand Dealers License from the California Department of Justice through the Hayward Police Department. There is sufficient customer parking for all businesses within the shopping center.

- D.** *The proposed use will not be detrimental to the public health, safety, or general welfare.*

The proposed use will not be detrimental to the public health, safety, or general welfare in that a security plan is required to be implemented as approved by the Hayward Police Department, the applicant has passed the Police Department background check, and has obtained the required Secondhand Dealer's License. The business owner is required to meet all the requirements of the City's Municipal Code Section 6-3.22 through Section 6-3.26 that require secondhand dealers to keep a record of all transactions that shall be open

to inspections by the Hayward Police Department, that the merchandise shall be held for at least 30 days, and that the hours of operation not exceed 9:00 a.m. to 6:00 p.m. Sunday through Thursday, and from 9:00 a.m. to 10:00 p.m. Friday and Saturday. In addition, the business owner is required to meet the conditions of approval and the requirements of the California Department of Justice Secondhand Dealers license.

- E. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.*

The Neighborhood Commercial (CN) District (Sec. 10-1.800) is intended to provide for products and services primarily represented by convenience goods and services purchased frequently. The proposed use would be in harmony with the CN District and other applicable City policies in that the cash for gold facility would comply with the requirements of Hayward Municipal Code Chapter 6, Article 3, Pawnbrokers, Secondhand Dealers and Auctioneers. The conditions of approval reflect this policy and would require the applicant to maintain records of all transactions, merchandise would be held for 30 days, and merchandise would be available for inspection upon request by the Hayward Police Department.

**CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT
April 11, 2013**

Conditional Use Permit Application PL-2012-0353 – GoodFellas Cash For Gold, Harb Jaser (Applicant) / K & S Company, Inc.(Owner) – Request to Operate a Cash for Gold Store.

The Property is Located at 402 West Harder Road, in the Neighborhood Commercial (CN) Zoning District

Conditional Use Permit Application PL-2012-0353 is approved subject to the plan labeled “Exhibit A” and the conditions listed below. This permit becomes void three years after the effective date of approval, unless prior to that time the operation GoodFellas Cash for Gold has commenced and all conditions have been implemented. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to March 28, 2016

Any modification to the approved plans or conditions shall require review and approval by the Planning Director. If determined to be necessary for the public safety and general welfare, the City may impose additional conditions or restrictions on this permit.

CONDITIONS OF APPROVAL

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. The property owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways and parking areas. The premises shall be kept clean and free of liter and weeds. Any graffiti painted on the property shall be painted out or removed within 48-hours of occurrence. Any litter, weeds and graffiti shall be removed and the building shall be painted to the satisfaction of the Planning Director. The applicant shall contact the property manager if the exterior lighting shall fail and for graffiti on the store front. The applicant shall keep the area around the storefront litter free and shall post “No Loitering” signs in the front and rear of the store.
3. The hours of operation shall be limited to the hours 9:00 a.m. to 6:00 p.m. Sunday through Thursday, and from 9:00 a.m. to 10:00 p.m. Friday and Saturday.
4. New signs are subject to the City’s sign regulation ordinance. A sign permit is required to be approved prior to the installation of any new signs. All window signs shall not exceed twenty-five percent of the area of each window. Any grand opening or temporary sign can

be displayed when approved with a sign permit.

5. If it comes to the attention of the Planning Director that the conditions of approval have been violated, the Planning Director may call the use permit application up to the Planning Commission for consideration of imposing additional conditions or revocation. The failure to comply with any or all the conditions of approval is grounds for termination, revocation and/or modification of the use permit.

Police Department

6. Within 30 day of approval, the business shall submit a security plan to the Hayward Police Department outlining procedures for employees/management's responsibilities during emergency incidents. The security plan shall also outline how to access the business' video recordings, alarm systems and procedures on how employees are to record/document sales transactions required by California law.
7. The facility shall have a digital video recording system that covers all points of entry, exit and areas of purchase. The video recording shall also cover areas where cash and gold/precious metals are stored within the facility. Records of this recording capability shall be of good quality and have archives up to 45 days. The video recording archives shall be accessible to members of the Hayward Police Department and California Department of Justice upon request. The hard-drive or computer storing all digital records shall be maintained in a secured area and away from the view of the public.
8. The facility shall be equipped with an alarm system that has instant panic-button/robbery notification capabilities and silent monitoring. The applicant shall maintain a valid alarm permit on file with the Hayward Police Department at all times.
9. A separate room/area shall be maintained and alarmed for the storage of gold and cash. Property may be stored off-site for the Department of Justice 30-day holding requirements.
10. The following licensing requirements shall be maintained by the applicant/owner:
 - a. The applicant shall maintain a valid City of Hayward Business Tax License.
 - b. The applicant shall maintain a valid Secondhand Dealer's License issued by that California Department of Justice (21641 Business & Professions Code). This license shall be displayed in a conspicuous manner as to easily be seen by the public.
11. The applicant shall properly document all property taken in trade or exchanged for cash and documented by the Secondhand Dealer Report Form (JUS 123).
12. The following forms of documentation/processes shall be administered during each customer transaction:
 - a. A clear photo or digital copy of each person's driver's license, identification card, passport, military identification or any valid government issued form of identification.

- b. A digital photograph of each item of property taken in trade or exchanged for cash. This photograph shall be maintained by the business for a minimum of five (5) years.
 - c. All property shall be stored and maintained by the business for 30 days prior to disposition.
 - d. All Secondhand Dealer Report Forms shall be submitted weekly to the Hayward Police Department (Pawn Unit) at 300 West Winton Ave, Hayward, CA 94544.
13. The applicant shall comply with all future changes to California state laws for Secondhand Dealers regarding electronic reporting equipment.

GENERAL CONSTRUCTION NOTES:

1. The information on this set of construction documents is related to basic design intent and framing details. They are intended as a guide only and not a substitute for the contractor's knowledge of the applicable building codes and standards. The General Contractor is responsible for providing complete construction details and procedures to ensure a professionally finished, structurally sound and a weatherproof completed product.
2. The General Contractor is responsible for ensuring that all work and construction meets current federal, state, county and local codes, ordinances and regulations, etc. The General Contractor is responsible for obtaining all necessary permits and approvals for this building and should be adhered to even if they are in variance with the plan.
3. Dimensions shall take precedence over scale drawings (do not scale drawings).
4. The designer has not been engaged for construction supervision and assumes no responsibility for construction coordinating with these plans, nor responsibility for construction details and procedures in connection with the work. There are no warranties or specific use expressed or implied in the use of these plans.
5. Refer to floor plans, exterior elevations, and window & exterior door schedule for types and sizes of windows and exterior doors.
6. General Contractor is to ensure that masonry and finished construction meets or exceeds all manufacturers specifications and applicable codes.
7. General Contractor to consult and coordinate with the owner for all built-in items such as bookcases, shelving, parking, closets, trim, etc.
8. Final lead required connections shall be taken into account during construction. This final protection page should be reviewed prior to starting.

GENERAL COMMENT

The plans, recommendations, and considerations included herein are offered in good faith for the Contractor's reference. These notes are not all-inclusive and do not, by any means, include all the information necessary to cover all aspects of the construction project. These notes are supplemented by the Contractor's experience, knowledge, and skill. The Contractor is responsible for the design of the building and its systems and is to be used in coordination of work. The Contractor is responsible for the integrity of the materials and all work, it is to conform to accepted residential construction standards.

PROJECT INFORMATION

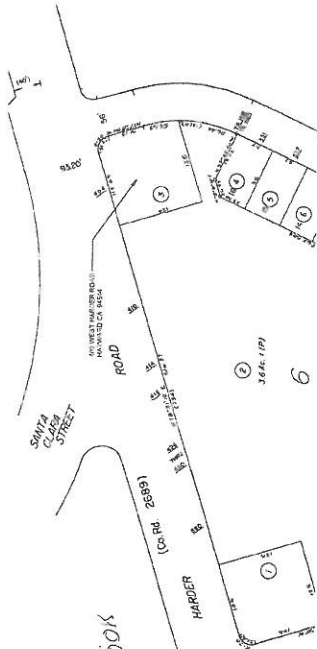
APN: 454-10-3
LOT SIZE: 15,750 S.Q.F.
FLOOR AREA: 1,260 S.Q. F.T.
APPLICABLE CODES LISTED:
CALIFORNIA FIRE CODE
CALIFORNIA MECHANICAL CODE (CMC)
CALIFORNIA ELECTRICAL CODE (CEC)
2010 BUILDING ENERGY EFFICIENCY STANDARDS
AND OTHER APPLICABLE LOCAL & STATE LAWS & REGULATIONS
CITY OF HAYWARD MUNICIPAL CODE & ORDINANCES
NO HAZARDOUS MATERIALS WILL BE STORED AND/OR USED WITHIN THE BUILDING WHICH WILL EXCEED THE QUANTITIES LISTED IN CEC TABLES 307.1

SCOPE OF WORK:

- APPLY FOR A CONDITIONAL USE PERMIT
- ALL WALLS ARE EXISTING
- NO CHANGES TO EXISTING WALLS
- ALL ELECTRICAL, PLUMBING, HVAC IS EXISTING
- ALL FIRE SPRINKLERS ARE EXISTING

DESCRIPTION OF OPERATIONS:

BUSINESS WILL BE A SECONDHAND DEALER THAT WILL BUY GOLD METAL FROM GOLD METAL OWNERS AND RESELL TO REFINERIES.



ASSESSOR'S MAP 454-10-3
SCALE: NOT TO SCALE

CONDITIONAL USE PERMIT FOR:

GOODFELLAS CASH FOR GOLD
402 WEST HARDER ROAD
HAYWARD CA 94544
(415) 760-9195

DRAWING INDEX

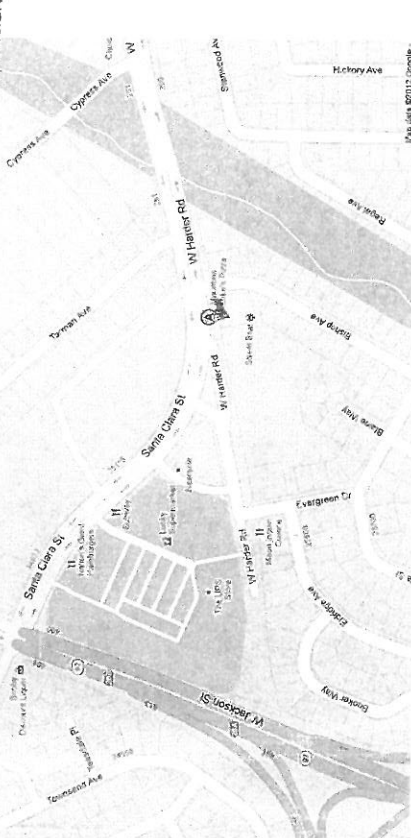
COVER PAGE, ASSESSOR'S MAP 454-10-3 AND VICINITY MAP
PAGE 1: SITE PLAN AND EXISTING FLOOR PLAN

RECEIVED

OCT 17 2012

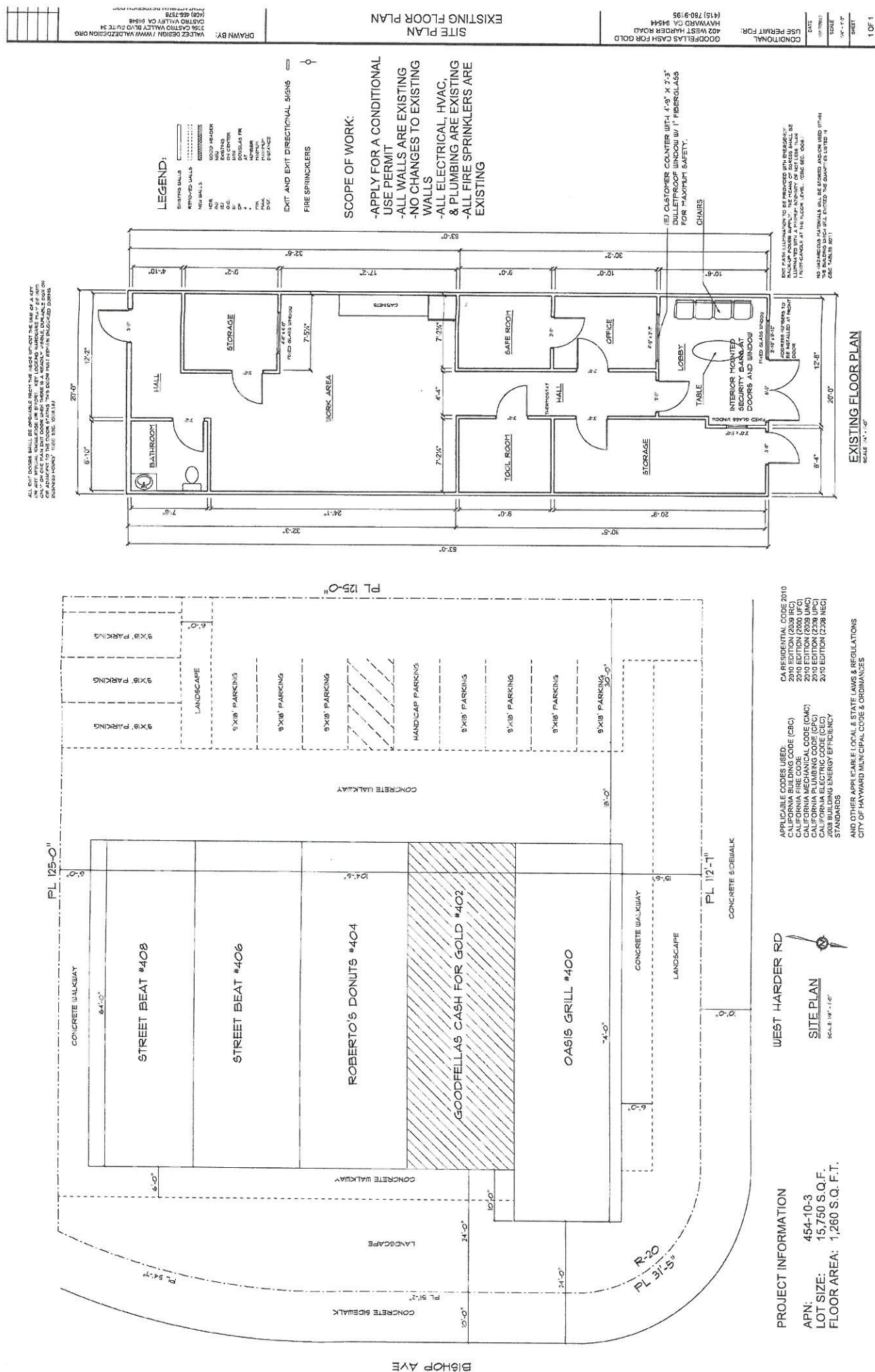
A - 402 WEST HARDER ROAD, HAYWARD CA 94544

PLANNING DIVISION



VICINITY MAP
SCALE: NOT TO SCALE

PROJECT NUMBER
PL-2012-0353 CUP





**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 28, 2013, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Márquez.

ROLL CALL

Present: COMMISSIONERS: Loché, Faria, Trivedi, Lamnin, McDermott, Lavelle
CHAIRPERSON: Márquez
Absent: COMMISSIONER:
CHAIRPERSON:

Commissioner McDermott led in the Pledge of Allegiance

Staff Members Present: Conneely, Patenaude, Philis

General Public Present: 3

ELECTION OF OFFICERS

Commissioner Trivedi nominated Commissioner Faria to serve as Chair, Commissioner Lamnin to serve as Vice Chair, and Commissioner McDermott as Secretary. Commissioner Lavelle seconded the motion. A hand vote was taken and the decision was unanimous.

Chair Faria thanked the Commission and especially Commissioner Márquez for training and help with the transition.

PUBLIC COMMENTS

None

WORK SESSION

1. Adopted Hayward Executive Airport Land Use Compatibility Plan and General Plan Consistency Requirements of the California Government Code

Acting Planning Manager Richard Patenaude introduced Kevin Colin, Senior Planner from Lamphier-Gregory, who gave a synopsis of the report.

Commissioner Márquez asked Mr. Colin who was responsible for overseeing land use and the airport at the County level and Mr. Colin replied the Airport Land Use Commission (ALUC). Commissioner Márquez asked if the City had a representative on the Commission and Acting Planning Manager Patenaude said former City Council Member Olden Henson was still the representative and he confirmed that Mr. Henson continued to report back to the City.

Commissioner Márquez asked if the sphere of influence surrounding the airport changed when the analysis was updated or if it always stayed the same. Mr. Colin said the sphere of influence was part of the compatibility plan and would remain unchanged. Mr. Colin said a technical analysis was performed to determine the area and the boundary didn't have many implications with regards to consistency with the General Plan. Issues start cropping up, he said, when the colors of the different safety zones were compared. Commissioner Márquez noted that the Commission was concerned about the safety zones and the proximity and potential restrictions to future development at Southland Mall.

Commissioner Márquez asked if the report included any accident information and if not, would that information be provided in an annual report. Mr. Colin said that was out of his area of expertise, but having read the compatibility plan he noted that past incidents of accidents didn't drive the delineation of the safety zone. He said a technical analysis comparing the geometry of the airport, current status, and projected future status against similar airports determined the safety zones.

Commissioner Trivedi asked if and how the safety compatibility plan zones had changed from the previous plan. Mr. Colin asked for confirmation that Commissioner Trivedi meant changed from the circa 1983 plan, and Commissioner Trivedi said yes and asked how the current report incorporated the aviation activity from the last 25 years. Mr. Colin said the current compatibility plan used current and projected future activity, which was much different from the previous document which was based on the use of the airport for military purposes in the 1960s.

Commissioner Trivedi commented that the purpose of the Work Session was to make a recommendation to Council regarding whether or not to overrule the findings of the ALUC. Commissioner Trivedi said generally he would not be comfortable with doing that, but he noted that the airport belonged to the City of Hayward and wasn't a commercial airport that other cities depended on. He said it was more reasonable that the City had control of the area around the airport although he expressed concern that development had already occurred in the Runway Protection Zone (RPZ). He concluded that, as a general principle, he was comfortable with the City figuring out what was appropriate for the area around the airport and that he supported the staff recommendation.

Acting Planning Manager Patenaude noted that Council had overruled the previous plan and hadn't referred to it in the past, but staff was recommending that the City develop all documents to be as compatible as possible to conform to the current County plan. He said the City should be responsible when dealing with the safety issues between the airport and the community, but noted that Southland Mall, located at the south end of the runway, was the City's largest retail economic engine and that it could be hamstringing if the City literally followed the recommendations of the ALUC plan. Mr. Patenaude said the City had recommended some Plan changes to the County, but they were not followed and that contributed to the staff recommendation. He emphasized that the City would consider safety issues when revising the General Plan and zoning regulations, but would probably take a different approach than the ALUC's Plan.

Commissioner Trivedi said he understood that Southland Mall was an important part of the community, needed to be protected and that the City did not want to have redevelopment subject to the ALUC, but he strongly encouraged the City to take the Plan into account as much as possible in regards to height restrictions and noise and in general to be cautious. He emphasized that if redevelopment was needed within the safety zone it should be done smartly.

Commissioner Lavelle said it was noteworthy that City staff had worked closely with the Airport Land Use Commission to come to the conclusion that only a portion of the Plan needed to be overridden and was making sure the airport was safe and future development of the Mall wasn't thwarted.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 28, 2013, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner Lavelle commented that Mr. Colin's presentation mentioned March 23rd as the deadline for the City to respond, but that the written report said March 29th and she asked which was the correct date and if that would be enough time for Council to adopt the necessary resolutions and notify the County of its decision. Mr. Colin said the correct date was March 29th.

Commissioner Lavelle asked what would happen if the City didn't notify the County in a timely manner and the ALUC was able to review proposed projects for a period of time. She asked what that meant legally and did the ALUC have the authority to deny a project that the City wanted to approve. Assistant City Attorney Maureen Conneely said the ALUC could not deny a project, but they could submit comments. Ms. Conneely explained that if the City didn't override the ALUC Plan by March 29th or amend the General Plan to make it consistent with the County Plan, the City would have to submit all projects currently in the development review pipeline to the ALUC for comment. When those comments came back to the City, she explained, the City Council or Planning Commission could either accept or override them. Ms. Conneely said development process would be considerably slowed down.

Commissioner Lavelle asked if staff had confidence that the City could take the necessary actions to meet the March 29th deadline. Acting Planning Manager Patenaude said the City wouldn't be able to meet the March 29th deadline, but would work expeditiously to bring the override to the Planning Commission and City Council. He said he didn't think there would be a long period of time that would cause the City any problem. He also noted that staff didn't foresee a large number of projects around the airport during the time the General Plan was being updated and given the proposed override, the City was not concerned that there would be a large number of projects involved. Commissioner Lavelle asked if pending projects included the former Marie Callender site and Acting Planning Manager Patenaude confirmed a new restaurant was slated to move into that location but noted it was an existing use so it wouldn't come under the provisions of the ALUC Plan. Mr. Patenaude said the override would be adopted prior to any future plans being brought before the City.

Commissioner Lamnin asked what concerns were not addressed in the most recent revision. Mr. Colin said the most immediate issue that wasn't addressed was Section 2.7.5.7; the standards within the Section that pertained to Infill, Non-conforming Uses, and other special conditions, which may severely limit the intensity of development at Southland Mall or options to increase it. Previously, he explained, the compatibility zones were split between parcels and under the Plan the more restrictive zone was applied. The County heard the comments of the City and relaxed that determination, he said, but the City found the application of other standards were too restrictive and limited choices for redevelopment.

Commissioner Lamnin said she remembered the concerns from before and supported the override for all of the reason articulated, but she said she looked through Section 2.7.5.7 and couldn't find the items that didn't have an out-clause. She reiterated Commissioner Lavelle's and Trivedi's comments and recommended that the City be as consistent and as safe as possible, and be really clear about the parts of the Plan that weren't working. Mr. Colin said staff would be working on that with the findings they develop.

Commissioner Loché asked if the 1983 Plan was partially or completely overridden by City Council in 1988 and Mr. Colin said the whole thing. From that point until now, Commissioner Loché asked if the ALUC had had any input on applications for development in the Southland area and Mr. Colin said no,

there was no relationship, however, California Environmental Quality Act (CEQA) documents were circulated past the ALUC. Acting Planning Manager Patenaude confirmed that, when appropriate, the City sent notice of projects to the ALUC but did not receive comment back. Mr. Patenaude noted that the City did send one project for comment by the ALUC—the center where Walgreens and Office Depot are located—and received comment instead from the Federal Aviation Administration indicating that they were satisfied with how the project was laid out.

Commissioner Loché said he would like the input from the ALUC, but not if it holds up development. Mr. Patenaude said the City would still refer projects out as they deal with other agencies, but the City asked that comments come back by a certain time and often don't receive any. Commissioner Loché asked if the City would continue to have representation on the ALUC and Mr. Patenaude said yes. Commissioner Loché said he agreed with overriding the County's compatibility plan.

Commissioner McDermott asked for confirmation that the City had to take some sort of action by the drop-dead date of March 29th. Mr. Colin said it was a firm date; however, the consequence of not meeting that date was that the ALUC may request to review applications. He said the City's presumption was that it would complete the override action and that would remove a significant number of applications that would need to go to the County for review. For applications received after, he said, the implication was that the General Plan update would be adopted and there would be no more referrals because the General Plan would be consistent with the compatibility plan and only courtesy referrals would be sent to the County.

Commissioner McDermott asked if the General Plan would have to incorporate the items listed as concerns, specifically in regards to infill and Southland Mall. Mr. Colin said in regards to the Mall, the very specific standards that limit redevelopment potential in terms of floor area and where it was placed, were being proposed to be overridden in the near future. Other policies in the General Plan included the land use element, the land use map, and the noise element which would be calibrated from the County plan to suit the City's specific needs, he said. Mr. Colin explained that the City would write policy language that implemented the County's document and when specific standards were imposed, the City would need to explain why the standards were not being followed exactly.

Commissioner McDermott asked for confirmation that any project proposed after March 29th and until the General Plan was adopted in 2014, would have to go to the ALUC for comment and that might delay development. Mr. Colin said that was correct. Commissioner McDermott asked if the ALUC would review the project if the owners of the Southland Mall wanted to refurbish the mall during that time. Acting Planning Manager Patenaude explained that the purpose of the override was for that not to happen. Commissioner McDermott said she was on board with the override.

Chair Faria said the Commission shared the concerns of noise and safety in that area and she mentioned she lived near the Mall and remembered two past accidents. Chair Faria said she supported the override, however, because the Commission had to look at the overall picture. She said the City needed to be fiscally responsible and have the ability to make decisions and plan using the General Plan timeframe and resources to offset the staff time it would take to create something else.

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 28, 2013, 7:00 p.m.
777 B Street, Hayward, CA94541**

Regarding the application by Electric Guard Dog for an electric fence on Industrial Boulevard previously heard by the Commission but sent to the City Council for a final decision, Acting Planning Manager Patenaude reported that the Council had asked staff to come back with findings and conditions of approval.

Mr. Patenaude gave an update of future meetings and also mentioned various staffing changes that had taken place or would be taking place soon.

Commissioner Faria reminded everyone that the downtown mini loop would go into effect on March 15th.

Regarding the Electric Guard Dog application, Commissioner McDermott asked for confirmation that there wasn't going to be a text amendment and Acting Planning Manager Patenaude said that was correct; staff would come back with conditions of approval for that project and develop a text amendment and standards at a later date.

3. Commissioners' Announcements, Referrals

Commissioner McDermott reminded the Commission that she was president of the Hayward Education Foundation and encouraged everyone to participate in an upcoming fundraiser supporting students and teachers taking place on Friday, March 22nd, at Cal State East Bay. She announced the guest speaker would be Probation Chief Ladonna Harris and the MC would be John Kessler from KGO.

APPROVAL OF MINUTES

3. Minutes from December 13, 2012, were unanimously approved with Commissioners Faria and Lavelle abstaining.

ADJOURNMENT

Chair Faria adjourned the meeting at 7:53 p.m.

APPROVED:

Commissioner McDermott, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk

DRAFT